

conference on this topic 10 years ago. Scholars on both sides of the same-sex marriage issue agreed that legislating same-sex marriage without robust religious accommodations would create widespread legal conflict. In 2009, a group of leading scholars wrote the New Jersey Legislature, which was considering a bill to legalize same-sex marriage, outlining such conflicts for both individuals and organizations.

I believe the best way forward is clear. Religious freedom should be properly accommodated rather than ignored, disparaged, or distorted, as some would do. Those acting on their religious beliefs about marriage, for example, should not face government retaliation or discrimination. And statutes prohibiting discrimination should include robust religious exemptions. Doing so expands rights and protections on one side without diminishing or eliminating them on the other. I supported the Employment Non-Discrimination Act last Congress, for example, because it took this balanced approach. And my State of Utah similarly enacted a law that both protects against discrimination and protects the exercise of religion.

Government should not be in the business of retaliating against people because of their religious beliefs. This is true when individuals worship privately as well as when they gather together in religious organizations or associations. When government retaliates against a person or a group for acting in accordance with deeply held religious beliefs, it undermines religious freedom and sends the message that the opinions of government officials trump rights of conscience. It tells worshippers that their right to religious exercise—far from being fundamental—exists at the pleasure of the State. That is precisely the view that James Madison, the primary author of the Bill of Rights, rejected.

Government retaliation further tells the believer that he or she is disfavored; the believer's views are out of bounds; they have no place in our modern, advanced age. This view of government as the supreme arbiter of faith and morality is contrary to the vision of our Founders. It is contrary to the First Amendment. It is contrary to the line of cases that culminated in the Supreme Court's recent marriage decision. Religion-based restrictions on intimate conduct, the Court said, must be struck down because moral disapproval cannot form the basis of law. How ironic it would be if the very principle that underlay the victory over traditional marriage were suddenly cast aside in the effort to enforce the new morality.

When government tells religious believers that they must conform to current State creeds or lose out on contracts, licenses, accreditation, funding, and other benefits, it puts them in an extremely difficult and indeed sometimes impossible position—either violate your beliefs or forgo something

which others have ready access to and which you may need to carry out your mission.

Government should not be in the business of coercing citizens to condone conduct their sincerely held religious beliefs forbid; rather, government should allow space for the free exercise of religion. Surely we can work to end discrimination without retaliating against religious groups and schools for following practices they all agree are rooted in sincere religious belief. Surely there is space in anti-discrimination laws, such as the one recently introduced here in the Senate, for religious exemptions for religiously affiliated groups, schools, and organizations.

My point today is that religious freedom is not optional. It is a fundamental human right that is central to our existence and identity as a nation, and it is the backdrop against which the current debates about social and cultural changes must proceed.

Finally, I wish to ask my colleagues what principles would attract the support of the following: Republican and Democratic Presidents; the chairman of People for the American Way; the president of Focus on the Family; the chairman of the U.S. Chamber of Commerce; the president of the AFL-CIO; leaders of the faith communities, including Jews, Catholics, Mormons, Muslims, Baptists, Seventh-day Adventists, and Buddhists; and the chairmen of both the Democratic and Republican National Committees? Can anyone think of anything that can bring all of those people together? What could they possibly agree on that would really mean anything? These and many more leaders of government, academia, faith communities, business, law, and minority groups all signed the Williamsburg Charter. This document was first presented to the Nation on June 25, 1988, on the 200th anniversary of Virginia's call for a Bill of Rights to be added to the Constitution.

The charter presents certain first principles that are in the shared interest of all Americans. These include that religious freedom is a precious, fundamental right and an inalienable right founded on the inviolable dignity of the person. These are the Williamsburg Charter's principles about religious freedom—a precious, fundamental, and inalienable right founded on the inviolable dignity of the person; that it is our Nation's first liberty and undergirds all other rights and freedoms secured by the Bill of Rights; and that it allows citizens to shape their lives, whether private or public, on the basis of their beliefs. If these leaders who differ in so many ways and disagree on so many issues could agree on these principles, we should certainly be able to incorporate them into current debates.

The signers of the Williamsburg Charter said that “the ignorance and contention now surrounding the [Constitution's religion] clauses are a re-

minder that their advocacy and defense is a task for each succeeding generation.” I could not agree more.

President Reagan said it best:

Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same.

I personally believe we can rise to that challenge. I think we must rise to that challenge.

Religious freedom is the first mentioned freedom in the Bill of Rights. Frankly, it is time to get back to the constitutional principles that have made this country the greatest country in the world, and we can do it without violating other people's rights.

Some desire to reduce religious rights in favor of other people's rights. Well, we don't have to hurt other people's rights by acknowledging and accepting the fact that religious freedom is an absolute necessity for a great society such as ours and has been an undergirding principle that has helped make this country the greatest country in the world.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TILLIS). Without objection, it is so ordered.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING OFFICER CHESTNUT AND DETECTIVE GIBSON

Mr. MCCONNELL. Mr. President, every July 24, we commemorate a solemn anniversary. We honor the sacrifice of J.J. Chestnut and John Gibson, Capitol Police officers who fell in the line of duty this day in 1998.

I hope it comforts the family and friends who loved these officers to know that their memories continue to live on.

Their memories live on in the Capitol Police Headquarters that is named in their honor, and they live on within the Capitol itself: on a commemorative plaque, inscribed indelibly; in the service of every officer who wears the badge today, evoked daily.

Indeed, Officer J.J. Chestnut and Detective John Gibson may rest just beyond the Potomac in Arlington National Cemetery, but the ideals they gave everything to defend endure in this symbol of democracy every day,